

1 U visa. On or about February 1, 2004 Plaintiff BUCIO presented Defendants a  
2 written request that they issue her and her children, Plaintiffs SERGIO and  
3 ANDRES BUCIO PEREZ, lawful status in accordance with the Crime Victims Act.  
4 Defendants have refused to grant or deny Plaintiff BUCIO'S and Plaintiffs SERGIO  
5 and ANDRES BUCIO PEREZ U visa status.

7 18. Plaintiff XIOMARA CASTRO is a citizen and national of El Salvador. She  
8 is a resident of the City of San Francisco, State of California. Plaintiff XIOMARA  
9 CASTRO is a victim of criminal assault and domestic violence. She cooperated  
10 with law enforcement and is statutorily eligible for the issuance of a U visa. On  
11 or about July 30, 2004 Plaintiff XIOMARA CASTRO presented Defendants a written  
12 request for benefits under the Crime Victims Act. Defendants have refused to  
13 grant or deny Plaintiff CASTRO a U visa.  
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16 19. Plaintiff RAMONA QUINTERO is a citizen and national of Mexico. She is  
17 a resident of the City of San Francisco, State of California. Plaintiff QUINTERO is a  
18 victim of criminal threats, Restraining Order violation, and battery (domestic  
19 violence). She cooperated with law enforcement and is statutorily eligible for the  
20 issuance of a U visa. On or about October 6, 2004 Plaintiff QUINTERO presented  
21 Defendants a written request for benefits under the Crime Victims Act.  
22 Defendants have refused to grant or deny Plaintiff QUINTERO a U visa.  
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24 20. Plaintiff LUIS R. NUNEZ HERNANDEZ is a citizen and national of  
25 México. He is a resident of the City of San Francisco, State of California. Plaintiff  
26 NUNEZ HERNANDEZ is a victim of aggravated assault with a gun and attempted  
27 murder. He cooperated with law enforcement and is statutorily eligible for the  
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1 issuance of a U visa. On or about September 17, 2004, Plaintiff NUNEZ  
2 HERNANDEZ presented Defendants a written request for benefits under the  
3 Crime Victims Act. Defendants have refused to grant or deny plaintiff NUNEZ  
4 HERNANDEZ a U visa.  
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6 21. Plaintiff RICARDO NUNEZ HERNANDEZ is a citizen and national of  
7 México. He is a resident of the City of San Francisco, State of California. Plaintiff  
8 RICARDO NUNEZ HERNANDEZ is a victim of aggravated assault with a gun and  
9 attempted murder. He cooperated with law enforcement and is statutorily  
10 eligible for the issuance of a U visa. On or about September 17, 2004, Plaintiff  
11 NUNEZ HERNANDEZ presented Defendants a written request for benefits under  
12 the Crime Victims Act. Defendants have refused to grant or deny plaintiff  
13 NUNEZ HERNANDEZ a U visa.  
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16 22. Plaintiff ELIZABETH LOPEZ GOMEZ is a citizen and national of México.  
17 She is a resident of the City of San Mateo, State of California. Plaintiff ELIZABETH  
18 LOPEZ GOMEZ is a victim of the infliction of corporal injury on a spouse, criminal  
19 assault, and criminal threats. She cooperated with law enforcement and is  
20 statutorily eligible for the issuance of a U visa. On or about May 21, 2004,  
21 Plaintiff LOPEZ GOMEZ presented Defendants with a written request for benefits  
22 in accordance with the Crime Victims Act. Defendants have refused to grant or  
23 deny Plaintiff LOPEZ GOMEZ a U visa.  
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26 23. Plaintiff MARIA ESTERVINA PEREZ is a citizen and national of El  
27 Salvador. She is a resident of the City of Menlo Park, State of California. Plaintiff  
28 ESTERVINA PEREZ is a victim of the infliction of corporal injury and criminal

1 assault. She cooperated with law enforcement and is statutorily eligible for the  
2 issuance of a U visa. On or about July 28, 2004, Plaintiff ESTERVINA PEREZ  
3 presented Defendants with a written request for benefits in accordance with the  
4 Crime Victims Act. Defendants have refused to grant or deny Plaintiff  
5 ESTERVINA PEREZ a U visa.

7 24. Plaintiff GIOVANA SAAVEDRA is a citizen and national of Peru. She is a  
8 resident of the City of Newark, State of California. She is a victim of domestic  
9 violence and is statutorily eligible for the issuance of a U visa. On or about  
10 November 21, 2006, she petitioned the USCIS to issue her benefits under the  
11 Crime Victims Act. Plaintiff SAAVEDRA submitted her application without a U  
12 certification after making several good faith efforts to obtain one from the  
13 Newark Police Department and the Alameda County District Attorney's office,  
14 but they refused despite the fact that the abuser in her case was prosecuted and  
15 pled guilty. Defendants have refused to grant or deny Plaintiff SAAVEDRA a U  
16 visa.  
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19 25. Plaintiff ELEUTERIO RODRIGUEZ RUIZ is a citizen and national of  
20 Mexico. He is a resident of the City of Stockton, State of California. He is a victim  
21 of an aggravated assault perpetrated by a United States citizen vigilante armed  
22 with a deadly weapon, cooperated with law enforcement that investigated the  
23 crime, and is statutorily eligible for the issuance of a U visa. On or about June 30,  
24 2005, he petitioned the USCIS to issue him a U visa. Defendants have refused to  
25 grant or deny Plaintiff RODRIGUEZ RUIZ's request for a U visa.  
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Complaint

1           26. Plaintiff FELIPE SANCHEZ MARTINEZ is a citizen and national of  
2 Mexico. He is a resident of the City of Phoenix, State of Arizona. He is a victim of  
3 an aggravated assault perpetrated by a United States citizen vigilante armed  
4 with a deadly weapon, cooperated with law enforcement that investigated the  
5 crime, and is statutorily eligible for the issuance of a U visa. On or about June 30,  
6 2005, he petitioned the USCIS to issue him a U visa. Defendants have refused to  
7 grant or deny Plaintiff SANCHEZ MARTINEZ's request for a U visa.  
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10          27. Plaintiff FRANCISCA RAMIREZ ALVAREZ is a citizen and national of  
11 Mexico. She is a resident of the City of Louisville, State of Kentucky. She is a  
12 victim of domestic violence and is statutorily eligible for the issuance of a U visa.  
13 On or about March 19, 2002, she petitioned the Louisville, KY Immigration and  
14 Naturalization Service office for benefits under the Crime Victims Act. On  
15 January 2, 2003, she petitioned the USCIS for benefits under the Crime Victims  
16 Act. Defendants have refused to grant or deny Plaintiff FRANCISCA RAMIREZ  
17 ALVAREZ a U visa.  
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20          28. Plaintiff CONSTANTINA CAMPOS is a citizen and national of Mexico.  
21 She is a resident of the City of New York, State of New York. She is a victim of  
22 domestic violence, cooperated with law enforcement, and is statutorily eligible  
23 for the issuance of a U visa. On or about July 12, 2002, she petitioned the USCIS  
24 for benefits under the Crime Victims Act. Defendants have refused to grant or  
25 deny Plaintiff CAMPOS a U visa.  
26

27          29. Plaintiff IRMA MORENO SANVICENTE is a citizen and national of  
28 Mexico. She is a resident of the City of New York, State of New York. She is a

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1 victim of criminal domestic violence, cooperated with law enforcement, and is  
2 statutorily eligible for the issuance of a U visa. She first petitioned the USCIS for  
3 U visa benefits in late 2005, but the USCIS refused to adjudicate her petition on  
4 the basis that her law enforcement certification had expired. On or about  
5 February 3, 2006, Plaintiff MORENO SANVICENTE petitioned the USCIS again for  
6 benefits under the Crime Victims Act. In January 2007, Plaintiff MORENO  
7 SANVICENTE petitioned the USCIS for a renewal of deferred action status and for  
8 a U visa. Absent regulations allowing for the issuance of U visas, Plaintiff  
9 MORENO SANVICENTE's 17-year-old daughter in Mexico is in danger of aging out  
10 of eligibility as a derivative to her mother's U visa application. Defendants have  
11 refused to grant or deny Plaintiff IRMA MORENO SANVICENTE a U visa.  
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14 30. Plaintiff ROSA GALAVIZ is a citizen and national of Mexico. She is a  
15 resident of the State of Indiana. She is a victim of criminal domestic violence, has  
16 cooperated with law enforcement, and is statutorily eligible for the issuance of a  
17 U visa. On or about June 28, 2006, she petitioned the USCIS to issue her a U visa  
18 in accordance with the Crime Victims Act. She has also petitioned on behalf of  
19 her seven minor children who reside in Mexico and are eligible for U visas as  
20 derivatives. The domestic violence perpetrated against Plaintiff GALAVIZ by her  
21 abusive husband resulted in his deportation. Absent regulations allowing for the  
22 issuance of U visas, Plaintiff ROSA GALAVIZ's children are in danger of aging out  
23 of eligibility as derivatives to her U visa application. Defendants have refused to  
24 grant or deny Plaintiff ROSA GALAVIZ or her children U visas.  
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1       31. Plaintiff MARIA LUISA ARROYO TORRES is a citizen and national of  
2 Mexico. She is a resident of the City of Mercedes, State of Texas. She is a victim of  
3 assault and domestic violence and is statutorily eligible for the issuance of a U  
4 visa. On or about July 10, 2006, she petitioned the USCIS for benefits under the  
5 Crime Victims Act. Plaintiff TORRES submitted her application with a U  
6 certification signed on August 5, 2005 by Assistant Criminal District Attorney of  
7 the County of Hidalgo, over six months before the date on which she applied for  
8 U visa benefits. Defendants rejected her request for a U visa because her U  
9 certification was not signed within six months of her request for a U visa.

10      32. Plaintiff JUAN FRANCISCO ROCHA ROCHA is a citizen and national of  
11 Mexico. He is a resident of the City of Alamo, State of Texas. He and his family  
12 were the victims of a felonious assault and attempted murder, cooperated with  
13 law enforcement, and are statutorily eligible for the issuance of a U visa. On or  
14 about November 30, 2006, he petitioned the USCIS to issue him benefits under  
15 the Crime Victims Act. At the same time, Plaintiff ROCHA ROCHA filed an I-765  
16 application for employment authorization. Prior to November 2006, the USCIS  
17 accepted concurrent filing of U visa or deferred action status and employment  
18 authorization applications. On information and belief, in or about November  
19 2006, without complying with the notice and comment provisions of the  
20 Administrative Procedures Act, defendants changed their policy and now no  
21 longer accept employment authorization applications along with applications for  
22 U visas or deferred action status. Plaintiff ROCHA ROCHA was issued a denial of  
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1 his application for employment authorization on or about January 17, 2007, and  
2 his application for U visa benefits remains pending.

3       33. Plaintiff JORGE DOMINGUEZ RIVERA is a citizen and national of Mexico  
4 temporarily residing in Tucson, Arizona. He is the victim of felonious assault  
5 perpetrated by a U.S. Border Patrol agent on January 12, 2007, when that agent  
6 tried to run Plaintiff DOMINGUEZ RIVERA over with his vehicle. Plaintiff  
7 DOMINGUEZ RIVERA has cooperated with law enforcement agents investigating  
8 the incident. Plaintiff DOMINGUEZ RIVERA has applied for a U visa and requested  
9 that Defendants issue a U certification since Defendants' agents are investigating  
10 the alleged felonious assault. In February 2007, Defendants threatened Plaintiff  
11 DOMINGUEZ RIVERA with execution of an order of expedited removal before his  
12 application for a U visa is adjudicated. Defendants have refused and failed to  
13 issue regulations and to adjudicate Plaintiff JORGE DOMINGUEZ RIVERA's  
14 application for a U visa.  
15

16       34. Defendant Michael CHERTOFF is the Secretary of the United States  
17 Department of Homeland Security. Defendant CHERTOFF is charged with the  
18 implementation of the Immigration and Nationality Act, 8 U.S.C. §§ 1101 *et seq.*,  
19 and with the administration of the United States Citizenship and Immigration  
20 Services. He is sued in his official capacity.

21       35. Defendant UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES  
22 ("USCIS") is a bureau of the U.S. Department of Homeland Security. USCIS is  
23 charged with the implementation of the Immigration and Nationality Act, 8  
24 U.S.C. §§ 1101 *et seq.*, including the U visa provisions, as well as enactments of  
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Complaint

1 Congress requiring the promulgation of implementing regulations pursuant to  
2 which plaintiffs and those similarly situated may have their eligibility for U visas  
3 lawfully determined.  
4

## 5 IV

## 6 CLASS ALLEGATIONS

7 36. Plaintiffs bring this action on behalf of themselves and all other  
8 persons similarly situated pursuant to Fed.R.Civ.Proc. Rule 23(a) and 23(b)(2).  
9 Plaintiffs provisionally propose this action be certified on behalf of the following  
10 class:  
11

12 All persons who are *prima facie* eligible for a U visa and who have applied  
13 for or would apply for issuance of a U visa but for defendants' failure to  
14 issue U visas or promulgate regulations implementing § 1512 of the  
15 Victims of Trafficking and Violence Protection Act of 2000.  
16

17 37. Members of the proposed class likely number in the thousands and are  
18 so numerous that joinder of all members is impracticable. The claims of the  
19 proposed class representatives and those of the proposed class members raise  
20 common questions of law and fact concerning, *inter alia*, whether defendants may  
21 lawfully refuse to provide a path by which individuals who are *prima facie*  
22 eligible for U visas may apply for the immigration benefit Congress has made  
23 available to them. These questions are common to the named plaintiffs and to the  
24 members of the proposed class because Defendants have acted and will continue  
25 to act on grounds generally applicable to both the named plaintiffs and proposed  
26 class members. The individual named plaintiffs' claims are typical of the class  
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1 claims. The named plaintiffs will adequately represent all members of the  
2 proposed class.

3       38. The prosecution of separate actions by individual members of the class  
4 would create a risk of inconsistent or varying adjudications establishing  
5 incompatible standards of conduct for defendants. The issuance of regulations,  
6 forms, standards and procedures is a national function, not a function performed  
7 differently in each individual case or in each USCIS district or region.  
8

9       Prosecution of separate actions would create the risk that individual class  
10 members will secure court orders that would as a practical matter be dispositive  
11 of the claims of other class members not named parties to this litigation, thereby  
12 substantially impeding the ability of unrepresented class members to protect  
13 their interests.  
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15       39. Defendants, their agents, employees, and predecessors and successors  
16 in office have acted or refused to act, and will continue to act or refuse to act, on  
17 grounds generally applicable to the class, thereby making appropriate injunctive  
18 relief or corresponding declaratory relief with respect to the class as a whole.  
19

20       Plaintiffs will vigorously represent the interests of unnamed class members. All  
21 members of the proposed class will benefit by the action brought by the  
22 plaintiffs. The interests of the plaintiffs and those of the proposed class members  
23 are identical. Plaintiffs are represented by counsel associated with non-profit  
24 public interest law firms and reputable private firms acting *pro bono publico* and  
25 include attorneys highly experienced in federal class action litigation involving  
26 the rights of foreign nationals, children, and refugees within the United States.  
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## FACTUAL ALLEGATIONS

40. Although the Crime Victims Act set no specific date by which defendants were required to promulgate regulations implementing the U visa program, several years after its enactment, in the Violence Against Women and Department of Justice Reauthorization Act of 2005, Pub. L. 109-162, 119 Stat. 2960 (2006) ("VAWA Reauthorization Act"), Congress directed defendants to "promulgate regulations to implement" the U visa program "[n]o later than 180 days after the date of enactment of this Act..." *Id.* at § 828. On January 5, 2006, the VAWA Reauthorization Act was signed into law, and defendants were thereafter under an unambiguous legal duty to promulgate U visa regulations no later than July 4, 2006.

41. Defendants have nevertheless persisted in their failure to afford crime victims a means to apply for and obtain U visas. Instead, defendants have granted some U visa-eligible persons a quasi-legal, non-statutory temporary status known as "deferred action." Deferred action is no more than an exercise of prosecutorial discretion not to seek a crime victim's immediate deportation or removal. Deferred action confers no cognizable legal status and simply defers an individual's deportation from the United States. In contrast, recipients of actual U visas are entitled, among other benefits, to be employed, to travel abroad, to be referred for social and related services, and to accrue time toward eligibility for lawful permanent residence. 8 U.S.C. § 1255(m) (U visa holders eligible for permanent residence after three years).

1       42. Pursuant to 8 U.S.C. § 1101(U)(ii), the spouses, children, and, if the  
2 applicant is under 21, the unmarried siblings, of persons who are issued U visas  
3 are entitled to "derivative" U visas if they are "accompanying or following to  
4 join" a U visa holder. *Id.* 8 U.S.C. § 1101(b)(1) defines the term "child" as "an  
5 unmarried person under twenty-one years of age ..." Persons eligible for  
6 derivative U visas as "children" accordingly become ineligible for such visas  
7 upon turning 21 years of age. Because defendants have failed to issue U visas,  
8 persons eligible for derivative U visas have been denied and will be denied  
9 benefits Congress intended to extend to them because the defendants have  
10 permitted them to "age out" of eligibility.  
11

12       43. Shortly after enactment of the Crime Victims Act, defendants adopted  
13 a policy and practice permitting persons who sought U visas or deferred action  
14 on the basis of asserted eligibility for U visas to apply for employment  
15 authorization concurrently with their requests for deferred action. This policy  
16 and practice allowed persons whom defendants granted deferred action status to  
17 work lawfully in the United States after a maximum delay of 90 days. 8 C.F.R. §  
18 274a.13(d). The policy and practice was consistent with defendants' treatment of  
19 applicants for other immigration benefits who are permitted to apply for  
20 employment authorization concurrently with their applications for lawful status.  
21 *See, e.g.* 8 C.F.R. § 274a.13(a)(2).  
22

23       44. However on or about November 2, 2006, defendants discontinued the  
24 afore-alleged policy and practice and adopted a new policy to reject applications  
25 for employment authorization from persons seeking U visas or deferred action  
26

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1 not adjudicate her or her children's applications for U visas until after they  
2 promulgate implementing regulations, something Defendants have failed to do  
3 for six years.  
4

5 49. Plaintiff XIOMARA CASTRO is a victim of criminal assault and domestic  
6 violence. On or about January 26, 2002, Plaintiff XIOMARA CASTRO was  
7 physically attacked by her husband and suffered extreme physical abuse as a  
8 result. Section 1512 of the Crime Victims Act of 2000 declares the victims of such  
9 crimes eligible for U Visas. Plaintiff XIOMARA CASTRO reported these crimes to  
10 the Rosenberg Police Department in Rosenberg, TX and the perpetrator was  
11 found guilty as charged. Additionally, on March 30, 2004, a Police Officer from  
12 the Rosenberg Police Department certified that XIOMARA CASTRO was being  
13 helpful in the investigation and prosecution of the crime. On or about July 30,  
14 2004, Plaintiff XIOMARA CASTRO presented Defendants a written request for  
15 benefits under the Crime Victims Act. Defendants have refused and failed to  
16 issue regulations and or to issue Plaintiff XIOMARA CASTRO a U visa. On  
17 information and belief, Plaintiff XIOMARA CASTRO alleges that Defendants have  
18 not and will not adjudicate an application for a U visa until after they  
19 promulgate implementing regulations, something Defendants have failed to do  
20 for six years. Defendants' failure to issue implementing regulations deprives  
21 Plaintiff XIOMARA CASTRO, and those similarly situated of procedures,  
22 standards, and forms by which they may obtain a U visa. Defendants' unlawful  
23 failure and refusal to adjudicate Plaintiff XIOMARA CASTRO's application for a U  
24 visa blocks their ability to travel abroad and accrue three years temporary  
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Complaint

1 based on asserted eligibility for a U visa until after deferred action is actually  
2 granted. Defendants take an average of several months to decide a request for  
3 deferred action based on asserted eligibility for a U visa. Defendants' new policy  
4 and practice accordingly delay for an additional several months the time when  
5 persons statutorily eligible for U visas are permitted to work lawfully in the  
6 United States. Said policy and practice encode a substantive value judgment and  
7 substantially alter the rights or interests of regulated parties, but were adopted  
8 entirely informally and without compliance with any of the rulemaking  
9 provisions of the Administrative Procedure Act, 5 U.S.C. § 553.

12       45. 8 U.S.C. § 1184(p)(3)(A) requires defendants to "provide aliens  
13 [holding U visas] with referrals to nongovernmental organizations to advise the  
14 aliens regarding their options while in the United States and the resources  
15 available to them..." As a matter of policy and practice, defendants fail to  
16 provide persons statutorily eligible for U visas with referrals as required by 8  
17 U.S.C. § 1184(p)(3)(A).

19       46. 8 U.S.C. § 1184(p)(1) requires that "[t]he petition filed by an alien [for a  
20 U visa] shall contain a certification from a Federal, state or local law enforcement  
21 official, prosecutor, judge, or other Federal State or local authority investigation  
22 criminal activity ... This certification shall state that the alien 'has been helpful, is  
23 being helpful, or is likely to be helpful' in the investigation or prosecution of  
24 criminal activity..." Nothing in § 1184(p) or elsewhere requires that the specified  
25 certification be executed within any specific time proximate to the filing of an  
26 application for a U visa.

1       47. However, defendants, as a matter of policy and practice, deny deferred  
2 action to individuals who seek such relief based on asserted eligibility for U visas  
3 whenever they do not furnish a § 1184(p)(1) certification executed within six  
4 months of their requests for deferred action. Said policy and practice graft onto §  
5 1184(p)(1) an *ultra vires* and unlawful eligibility requirement.

7       48. Plaintiff SANDRA BUCIO is a citizen and national of Mexico. She is a  
8 resident of the City of San Francisco, State of California. Plaintiff BUCIO is a  
9 victim of an aggravated assault and battery and false imprisonment. Section  
10 1512 of the Crime Victims Act of 2000 declares the victims of such crimes eligible  
11 for U Visas. Plaintiff BUCIO reported these crimes to the Hidalgo Police Station  
12 in New Mexico and the perpetrator was arrested and was charged with several  
13 crimes, including aggravated battery, false imprisonment, and child abuse. On  
14 December 20, 2002 a Deputy District Attorney of Grant County in New Mexico  
15 certified that Plaintiff BUCIO had been helpful in the investigation and  
16 prosecution of the crime. On October 3, 2003, a new certification was obtained  
17 from the same District Attorney's office. The law enforcement certification  
18 further states that the criminal investigation and prosecution would be harmed  
19 without the assistance of Plaintiff SANDRA BUCIO's children, Plaintiffs SERGIO  
20 BUCIO PEREZ AND ANDRES BUCIO PEREZ. On or about February 1, 2004 Plaintiff  
21 SANDRA BUCIO presented Defendants a written request for benefits for her and  
22 her children under the Crime Victims Act. Defendants have refused and failed to  
23 issue U visas to Plaintiff SANDRA BUCIO or SERGIO or ANDRES BUCIO PEREZ. On  
24 information and belief, Plaintiff BUCIO alleges that Defendants have not and will  
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26 information and belief, Plaintiff BUCIO alleges that Defendants have not and will  
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28 Complaint

1 residence as required by the Victims Protection Act before they may obtain  
2 permanent residence.

3       50. Plaintiff RAMONA QUINTERO is a victim of criminal threats, Restraining  
4 Order violation, and battery (Domestic Violence). On or about July 15, 2003  
5 RAMONA QUINTERO was physically attacked by her former husband and  
6 suffered extreme physical abuse. Plaintiff RAMONA QUINTERO reported these  
7 crimes to the San Francisco Police Department and on August 26, 2004, an  
8 Assistant District Attorney of the San Francisco District Attorney's Office  
9 certified that RAMONA QUINTERO has been helpful in the prosecution of the  
10 crime. On or about October 6, 2004, Plaintiff RAMONA QUINTERO presented  
11 Defendants a written request for benefits under the Crime Victims Act.  
12 Defendants have refused and failed to issue regulations or to grant Plaintiff  
13 RAMONA QUINTERO a U visa. On information and belief, Plaintiff RAMONA  
14 QUINTERO alleges that Defendants have not and will not adjudicate an  
15 application for a U visa until after they promulgate implementing regulations,  
16 something Defendants have failed to do for six years. Defendants' failure to issue  
17 implementing regulations deprives Plaintiff RAMONA QUINTERO, and those  
18 similarly situated of procedures, standards, and forms by which they may obtain  
19 a U visa. Defendants' unlawful failure and refusal to adjudicate Plaintiff  
20 RAMONA QUINTERO's application for a U visa blocks their ability to travel abroad  
21 and accrue three years temporary residence as required by the Victims Protection  
22 Act before they may obtain permanent residence.  
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1       51. Plaintiff LUIS R. NUNEZ HERNANDEZ is a victim of aggravated assault  
2 with a gun and attempted murder. Section 1512 of the Crime Victims Act of 2000  
3 declares the victims of such crimes eligible for U Visas. Plaintiff HERNANDEZ  
4 reported these crimes to the San Francisco Police Station in California and an  
5 Assistant District Attorney has certified that Plaintiff HERNANDEZ has been  
6 helpful in the investigation of the crime. On or about September 17, 2004,  
7 Plaintiff HERNANDEZ presented Defendants a written request for a U visa.  
8 Defendants have refused and failed to issue U visa regulations or to grant  
9 Plaintiff HERNANDEZ a U visa. On information and belief, Plaintiff HERNANDEZ  
10 alleges that Defendants have not and will not adjudicate an application for a U  
11 visa until after they promulgate implementing regulations, something  
12 Defendants have failed to do for six years.  
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15       52. Plaintiff RICARDO NUNEZ HERNANDEZ is a victim of aggravated  
16 assault with a gun and attempted murder. On or about March 21, 2003, Plaintiff  
17 NUNEZ HERNANDEZ was shot in the chest. Section 1512 of the Crime Victims Act  
18 of 2000 declares the victims of such crimes eligible for U Visas. Plaintiff NUNEZ  
19 HERNANDEZ reported these crimes to the San Francisco Police Department in  
20 California and an Assistant District Attorney has certified that NUNEZ  
21 HERNANDEZ has been helpful in the investigation of the crime. On or about  
22 September 17, 2004, Plaintiff NUNEZ HERNANDEZ presented Defendants with a  
23 written request for relief under the Crime Victims Act. Defendants have refused  
24 and failed to issue U visa regulations or to grant Plaintiff NUNEZ HERNANDEZ a  
25 U visa. On information and belief, Plaintiff RICARDO NUNEZ HERNANDEZ alleges  
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Complaint